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SUBJECT: COSTA RICA RESPONSE: FORCED LABOR AND CHILD LABOR IN THE
PRODUCTION OF GOODS

REF: A) State 43120, B) 07 San Jose 2041, C) San Jose 194

11. SUMMARY: In response to Ref A, the Costa Rican Ministry of Labor, UN agencies and NGOs reported no new information regarding exploitative child labor (Ref B) and only sparse, anecdotal information regarding forced labor in the production of goods. Agricultural production on family farms and small third-party farms characterized the majority of child labor used in the production of goods - specifically tomatoes, oranges, sugar cane, melons, coffee and bananas. A very small percentage of child labor is also present in the fishing industry. Per ILAB's definition, this labor is exploitative in the sense that the nature or circumstances of the work is likely to harm the health or safety of the child workers. As for industrial labor, because the Costa Rican manufacturing sector is relatively formalized and in many cases requires technical skills (one of the largest employers is Intel, for example), forced labor in "maquila" type settings was reported by all not/not to be a problem. Two agencies that worked with human trafficking issues reported that stories circulated about forced labor in fisheries in the Pacific region and in farming (Ref C). However, one of those told us that Costa Rican officials had not investigated nor confirmed these reports and that no statistics were available on numbers of potential victims. END SUMMARY.

CHILD LABOR

12. The Ministry of Labor's Office for the Eradication of Child Labor and Protection of the Adolescent Worker (OATIA, Spanish acronym) reported that child labor is not/not considered a problem in the formal economic sector (manufacturing and larger-scale export-oriented agriculture). However, child labor is existent in informal agricultural sectors. The ILO (OIT, Spanish acronym) office in Costa Rica corroborated that assessment. The latest available child-labor statistics for Costa Rica are from the 2002 Household Survey by the National Institute of Statistics and Census (INEC, Spanish acronym). Post reported these statistics in its 2007 Worst Forms of Child Labor Report (Ref B).

13. The ILO child labor office in San Jose (OIT-IPEC, Spanish acronym), produced in 2003 an analysis of INEC's 2002 data entitled, "Informe Nacional de los Resultados de la Encuesta de Trabajo Infantil y Adolescente en Costa Rica" (National Report on the Results of the Survey of Child and Adolescent Labor in Costa Rica). In that analysis, OIT-IPEC reported that 113,523 children and adolescents age 5-17 worked. That figure represented approximately 10 percent of the total age 5-17 population of 1,113,987. They further reported that over half of those workers, about 57 percent, were adolescents age 15-17. Just under half, about 44 percent, were age 5-14 (12 percent age 5-9 and 32 percent age 10-14). Therefore, roughly 5 percent of the total youth population was children age 5-14 who worked. For a summary of the 2003 report, see also the ILO/OIT's "Trabajo Infantil en Agricultura en Cifras - Centroamrica, Panam y Republica Dominicana" (Child Labor in Agriculture by Figures - Central America, Panama and the Dominican

CHILD LABOR - GOODS

¶4. Although the Childhood and Adolescence Code (Law No. 7739, Article 92) set the minimum age for work at 15 years, children under 15 were involved in the production of some agricultural and fishery products. As reported by OATIA, child labor and labor insertion at an early age were more characteristic of rural areas and the production of tomatoes, oranges, sugar cane, melons, coffee and bananas for local consumption as part of a family subsistence economy or for small-scale commercial farms. In the case of the production and export of oranges and melons, outsourced operations in some instances involved child workers. OAITA added, however, that child labor was rarely if ever present in large-scale, export-oriented production, since these operations required certification. OIT-IPEC corroborated this assessment.

¶5. According to OATIA, 42 percent of the 5 percent of the children age 5-14 who worked (approximately 23,394 youth) were children age 5-14 working in agriculture; the remaining 58 percent age 5-14 were working in construction, fisheries and domestic service. Therefore, approximately 2.5 percent (exact percentage undefined) of the total youth population of Costa Rica was children age 5-14 working in the production of goods, mostly in agriculture and fisheries. Additionally, OIT-IPEC reported in its 2003 analysis that the predominant economic activities for all the working youth were agriculture, fishing in the sea or rivers, and working in fish farms, which represented 44 percent of all youth economic activity.

¶6. UNICEF confirmed that child labor in Costa Rica was markedly seasonal, especially in rural areas where the greatest amount of child labor takes place during the coffee, melon, watermelon and sugar cane harvesting seasons between November and January; this season coincides annually with Costa Rican summer vacation from school.

CHILD LABOR LAWS, RISKS AND GOVERNMENT ACTION

¶7. The government institution in charge of the fight against child labor is OATIA, which coordinates policy and actions taken by other government agencies. For a discussion of labor laws and government measures undertaken to end child labor, please see Ref B.

¶8. Regarding exploitative child labor, OATIA reported that children age 5-14 years faced safety and health risks such as accidents with tools due to work without appropriate safety equipment and lack of knowledge of how to safely operate machinery. They received low minimum salaries and did not receive health insurance. Some adolescents age 15-17, while legally permitted to work, did not receive the minimum salary, annual leave, or Christmas bonus required by law, and they had to work more than 6 hours, contrary to labor laws. OIT-IPEC provided a report about child health and safety risks in coffee production entitled: "Fichas de Seguridad y Salud Sobre Trabajo Infantil Peligroso en el Cultivo del Caf" (Markers of Security and Safety on Dangerous Child Labor in Coffee Cultivation) available at http://white.oit.org.pe/ipec/documentos/ficha_ti_peligroso_cafe.pdf

¶9. OATIA told us that children and adolescents in Costa Rica entered the economically-active population because of two main socio-economic conditions or lifestyle factors. Either they lived in extreme poverty and their families could not meet basic needs (some of these children either left school or studied and worked in family subsistence farms) or they did not study due to family beliefs that education was not important because the parents themselves did not finish school.

FORCED LABOR

¶10. The Ministry of Labor reported that forced labor is not a problem in Costa Rica, stating that most irregular labor is performed by migrants (including itinerant indigenous peoples near the Costa Rican-Panamanian border) who work the coffee harvests but are not trafficked nor forced to do so. An ILO (OIT) official corroborated that assessment.

¶11. The International Organization for Migration (OIM, Spanish acronym) and the Rahab Foundation, two agencies that worked with human trafficking victims, reported that stories circulated about forced labor in fisheries in the Pacific region and in farming (Ref C, Post's 2008 Trafficking in Persons Report). However, a Rahab Foundation project manager told us that Costa Rican officials had not investigated or confirmed these reports and that no statistics were available on numbers of potential victims.

¶12. Significant GOCR efforts were not in place to combat forced labor in the production of goods since it was not an "agenda" issue for Costa Rica, as one OIT official put it. However, the National Coalition against Trafficking in Persons, a government/NGO partnership, was working to combat human trafficking and its resultant forced sexual and labor exploitation, which was geared predominantly toward services (Ref C). Recently, the Coalition completed draft legislation to make internal trafficking for purposes of sexual or labor exploitation a crime in Costa Rica, and that language was added to an omnibus public security bill currently before the legislature. Government officials were hoping to see the bill passed by the end of this year. If this bill is passed, then potential identified victims of internal trafficking for purposes of agricultural or fishery production, among others, will have a legal basis for filing a complaint against their traffickers. Post will continue to monitor and report progress on this and other trafficking-related and labor issues.

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